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CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

April 6, 2009

Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

With recent events, such as the coal ash spill in Tennessee, I am writing in regard to the Environmental Protection Agency's regulation of coal ash.

While Pennsylvanians have for 300 years mined the coal that has played such a critical role in our nation's rise, we are unfortunately left with much of the cleanup from abandoned coal mines that pose a risk to the health and safety of our community's citizens. Pennsylvania has more than 5,000 abandoned, unreclaimed mine problem areas encompassing more than 189,000 acres, according to Pennsylvania's Department of Environmental Protection's Bureau of Abandoned Mine Reclamation (BAMR). BAMR's inventory of abandoned mine sites also identifies over 820 abandoned coal refuse (culm or gob) piles. These refuse piles encompass over 8,500 acres and have a volume of over 212,465,000 cubic yards. They commonly cause acid mine drainage and refuse bank fires. Furthermore, over 3,100 miles of stream in Pennsylvania have been affected by abandoned mine drainage. The single biggest water pollution problem facing Pennsylvania is polluted water draining from coal mining operations abandoned long before stricter laws were in place regarding mine reclamation. The BAMR-estimated price tag to eliminate Pennsylvania's abandoned mine land problems is a staggering \$14.6 billion.

The sixteen fluidized bed coal power plants in Pennsylvania have contributed to the reclamation of approximately 3,400 acres of abandoned mine lands within the past fifteen years. This would not have been possible without the beneficial use of coal ash.

As you know, state regulations for coal ash widely vary. My home state of Pennsylvania regulates coal ash according to its origin and content, including through beneficial use in mine reclamation and mine drainage remediation projects. The state has regulated coal ash as a residual or beneficial waste for several decades.

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Returning suitable coal ash to abandoned or active mine lands for use in reclamation has several benefits:

- Reclaiming waste coal piles without the benefit of adding ash does little to address the often-severe water quality problems that can occur from some of the piles;
- Putting the ash to a valuable use, often on areas from which it was derived, is classic recycling, virtually eliminating a potential waste stream and converting it into a useful material;
- The composition and properties of some coal ash material makes it particularly useful for some mine reclamation applications; and
- The reclamation of abandoned mine lands with ash is often completely privately funded, freeing up scarce government resources for other environmental projects.

Pennsylvania has in place regulations requiring permitting, public notification and participation in beneficial use of coal ash. The application for use of coal ash on a mine site must include a detailed operational plan, which includes:

- Identification of the ash source;
- A certification from the ash generator;
- Amount of ash to be used;
- Purposes of ash utilization;
- Operational details of how the ash is to be handled and incorporated into the site;
- A demonstration that the ash is chemically and/or physically suitable for the proposed use;
- Documentation of the hydrogeology of the ash-use area; and
- A monitoring program, including background data collection, designed to show any influence of ash use on surface and groundwater quality.

An application for use of coal ash on mine sites must also include chemical analyses of the ash proposed for use. When the proposed use of ash on a site is as a soil supplement or additive, the applicant must also provide a soil analysis for several other factors, including pH and heavy metal content, so that potential plant up-take levels may be considered as part of the permitting process.

Coal mining has allowed our nation to prosper. But our ancestors have paid the price, and we are left with the scars. We owe it to our neighbors, our children, and our future generations to protect them from the dangers of abandoned mine lands. I urge you to examine the beneficial uses of coal ash, so we can continue to reclaim our legacy.

Thank you for your consideration. I look forward to continue working with you.

Sincerely,



Tim Holden  
Member of Congress